

Message

From: Lorenz, Robert (IHS/PHX) [Robert.Lorenz@ihs.gov]
Sent: 9/18/2013 4:53:52 PM
To: Bill Bettenberg (BBettenberg@homerlaw.com) [BBettenberg@homerlaw.com]; lpuhuyesva@hopi.nsn.us
CC: Hamilton, John (IHS/PHX) [John.Hamilton@ihs.gov]; Heintzman, Tom (IHS/PHX) [Tom.Heintzman@ihs.gov]; Hughes, Adam (IHS/PHX) [Adam.Hughes@ihs.gov]; Matson, Eric (IHS/PHX) [Eric.Matson@ihs.gov]
Subject: FW: Turquoise Trail Well contract

Bill and Lionel,

IHS's position on the 2nd well drilling is that we need the FMCV Traditional Leader written approval to proceed as summarized below in John Hamilton's E-mail. I am planning on contacting FMCV and requesting their written unconditional approval on drilling the second well. We are going to need this approval ASAP to allow the contractor time to prepare for the mobilization to the 2nd well drilling site and without accruing additional (delay) costs to the contract/project.

John Hamilton welcomes a call by you to discuss our NEPA position further if you wish, and I would also be glad to participate in the call too.

John's phone number is as follows: 602-364-5061.

Robert.

From: Hamilton, John (IHS/PHX)
Sent: Tuesday, September 17, 2013 11:46 AM
To: Hughes, Adam (IHS/PHX)
Cc: Heintzman, Tom (IHS/PHX); Lorenz, Robert (IHS/PHX); Matson, Eric (IHS/PHX)
Subject: Turquoise Trail Well contract

Adam,

Thanks for asking about whether there are any outstanding NEPA related issues regarding moving forward with the second HAMP well. On July 16, 2013, IHS and the Tribe met with representatives of FMCV to plan for the potential connection of BIA water systems to the First Mesa community water system. At this meeting, Ivan Sydney, FMCV business manager, voiced several grievances related to the HAMP project including a claim the new wells being drilled for HAMP are located within First Mesa ancestral lands, and neither the Tribe nor IHS came to FMCV to get traditional leadership approval for the well drilling. When the drilling contract was awarded, it was our understanding there were no village claims to the well sites. Since we have been notified FMCV has an ancestral claim to this land, IHS needs to take this into consideration under both NHPA Section 106 and NEPA.

While both the Tribe and IHS had communicated with Bernie Navakuku, the previous FMCV business manager, and she said FMCV approved the HAMP, we knew a formal approval by the traditional leadership would be needed at some point. IHS hadn't yet sought FMCV traditional leadership approval of the project in general, since we were waiting for final operating costs to secure all of the final village traditional approvals. There is no doubt traditional leadership approval of HAMP pipelines and related facilities in the villages will be required, as has been the case for all previous IHS sanitation projects at Hopi.

Ivan asked for a meeting amongst village traditional leadership (Kikmongwi), the Hopi Tribal Chairman and other parties to discuss these ancestral land claims and the need for village approval. He did not want to stop drilling of the wells and said he supports connection to the HAMP. He also said the HAMP should not be delayed due to both the need for arsenic compliant water and funding to complete the HAMP. Now, two

months later, this meeting has yet to take place and most of the issues included in Robert's August 2, 2013 letter to Chairman Shingoitewa have not been addressed.

IHS and the Tribe can't finalize the NEPA proces or undertake drilling of the second new well until this ancestral lands claim by FMCV is addressed. I would suggest we explain the concerns about well driller mob-demobilization costs and impacts on HAMP scheduling to Ivan, and seek written FMCV traditional leadership approval before moving forward with this planning activity. Even though the drilling is through a Tribal contract, IHS is responsible for assuring the project complies with all relevant environmental and fiscal requirements.

John Hamilton, PE
NEPA Coordinator

From: Hughes, Adam (IHS/PHX)
Sent: Monday, September 16, 2013 5:22 PM
To: Hamilton, John (IHS/PHX)
Cc: Heintzman, Tom (IHS/PHX); Lorenz, Robert (IHS/PHX)
Subject: Turquoise Trail Well contract

John,

Robert Lorenz wrote a letter to the Tribal Chairman (attached) asking for direction in regards to the drilling of the second well, and whereas the Chairman responded (see email response below) in the affirmative, I drafted a letter for the Tribe's use in notifying the contractor to proceed (attached). Please let me know ASAP if you see a reason not to proceed with the second well, so that I may convey that message to the Tribe.

Thanks,